



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

DEC 12 2001

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**Municipality of Upper Darby Township  
Upper Darby Township Municipal Building  
100 Garrett Road  
Upper Darby, PA 19082-3135**

**Attention: John E. Clark, President-Municipal Council**

**Re: Required Submission of Information  
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill, and  
Folcroft Landfill Annex**

Dear Mr. Clark:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA has reason to believe that wastes generated at locations owned or operated by the Municipality of Upper Darby Township, may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require the Municipality of Upper Darby Township (hereinafter "you"), to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous

***Customer Service Hotline: 1-800-438-2474***

substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

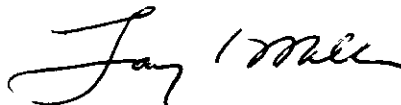
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry S. Miller".

Larry S. Miller  
Chief, PRP Investigation and  
Site Information Section

Enclosures:   Enclosure A: Lower Darby Creek Area Site Map  
                  Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to  
                                  EPA Contractors and Grantees  
                  Enclosure C: List of Contractors that May Review Your Response  
                  Enclosure D: Definitions  
                  Enclosure E: Instructions  
                  Enclosure F: Questions

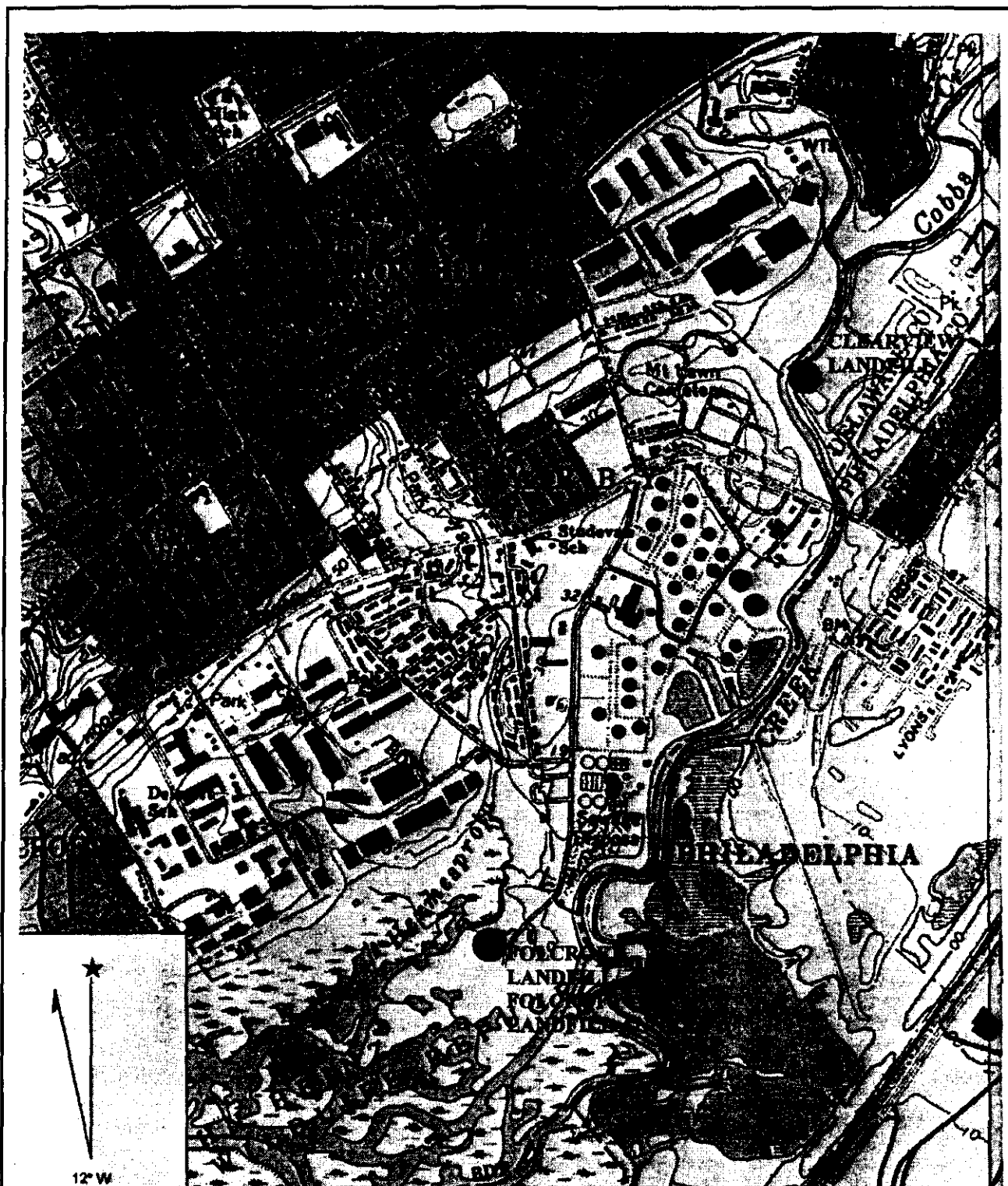
cc:     Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel  
          Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager  
          Mr. Craig Olewiler Pennsylvania Department of Environmental Protection  
          Ms. April Flipse Pennsylvania Department of Environmental Protection

Enclosure A

**Lower Darby Creek Area Site Map**

***Customer Service Hotline: 1-800-438-2474***

Enclosure A



Name: LANSDOWNE  
 Date: 4/17/2001  
 Scale: 1 inch equals 1333 feet

Location: 039° 53' 48.1" N 075° 18' 04.4" W  
 Caption: Lower Darby Creek Area Site

## Enclosure B

### **Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

### **Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C

**List of Contractors that May Review Your Response**

- Daston Corporation -  
Contract #68-S3-01-01  
Subcontractor to Daston Corporation is:  
Dynamac Corporation
- Tetra Tech EM, Inc. -  
Contract #68-S3-0002  
Subcontractor to Tetra Tech EM, Inc. is  
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -  
Contract #68-S3-001  
Subcontractor to Ecology and  
Environment, Inc. is:  
S & S Engineers, Inc.
- Resource Applications, Inc. -  
Contract #68-S3-003  
Subcontracts to Resource Applications,  
Inc. are:  
C.C. Johnson & Malhotra, Inc.  
Scientific & Environment Associates,  
Inc.  
Environmental Quality Management,  
Inc.
- IT Corporation - Contract #68-S#-00-06  
Subcontracts to IT Corporation are:  
Weavertown Environmental Group  
Environmental Restoration Company
- Earth Tech, Inc. - Contract #68-S3-00-07  
Subcontractors to Earth Tech, Inc. are:  
Industrial Marine Services, Inc.  
Cline Oil  
Hertz Equipment Rental
- Guardian Environmental Services, Inc.  
Contract #68-S3-99-04
- ECG Industries, Inc. -  
Contract #68-S3-99-05  
Subcontractor to ECG Industries, Inc. is:  
Earth Tech, Inc.
- Industrial Marine Services, Inc. -  
Contract #68-S3-99-06  
Subcontractors to Industrial Marine  
Services, Inc. are:  
Earth Tech, Inc.  
Engineering and Environment, Inc.
- Tetra Tech NUS, Inc. -  
Contract #68-S6-3003  
Subcontractors to Tetra Tech NUS, Inc.  
are:  
Gannett Flemming, Inc.  
Dynamac Corporation  
C.C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -  
Contract #68-S7-3003  
Subcontractors to CDM-Federal  
Programs Corporation are:  
Tetra Tech EM, Inc.  
Robert Kimball & Associates  
PMA & Associates  
Horne Engineering  
Pacific Environmental Services
- Black and Veatch Waste Science and  
Technology Corporation/Tetra Tech, Inc.  
Contract #68-S7-3002
- Universe Technologies -  
Contract #68-S3-99-02
- Tech Law, Inc. - Contract #68-W-00-108  
Subcontractor to Tech Law, Inc. is:  
Gannett Flemming, Inc.

**List of Cooperative Agreements**

- National Association of Hispanic Elderly  
- #CQ-822511
- AARP Foundation (Senior  
Environmental Employment)  
- #824021, #823952

## Enclosure D

### **Definitions**

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).



- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

## Enclosure E

### **Instructions**

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

**QUESTIONS**

1. State the nature of your waste disposal operation for your commercial, industrial, institutional, and residential customers between 1953 and 1976.
2. Identify all persons currently or formerly employed by you, or acting on your behalf, who have or may have personal knowledge of your waste disposal practices between 1958 and 1976. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
3. Describe the types of documents generated or maintained by you concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.
  - a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
  - b. Describe any permits or permit applications and any correspondence between you and any regulatory agencies regarding the transportation and disposal of such wastes; and
  - c. Describe any contracts or correspondence between you and any company or entity regarding the transportation and disposal of such wastes.
4. Did you ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckly Trash Hauling, Barratt Rupurt, McCloskey Engineering, Marvin Jonas, Jonas Waste Removal, Schiavo Bros., Inc., ABM Disposal Services, Gene Banta Trash Hauling, and/or any other company or municipality for storage, treatment, transportation, recycling, removal, or disposal of any waste between 1958 and 1976 ? If so, for each transaction identified above, please identify:
  - a. The person or company with whom you made such a contract or arrangement;
  - b. The date(s) on which or time period during which such material was removed or transported for storage, treatment, disposal, or recycling;
  - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - d. The annual quantity (number of loads, gallons, drums) of such material;
  - e. The manner in which such material was containerized for shipment or disposal;

- f. The location to which such material was transported for disposal;
  - g. The person(s) who selected the location to which such material was transported for disposal;
  - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom you dealt concerning removal or transportation of such material; and
  - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession.
- 5. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons, companies, or municipalities who, between 1958 and 1976, may have:
  - a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
  - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
  - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.
- 6. For every instance in which you disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
  - a. The date(s) on which such material was disposed of or treated at the Site;
  - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - c. The annual quantity (number of loads, gallons, drums) of such material;
  - d. The specific location on the Site where such material was disposed of or treated; and
  - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.

7. Did you, or any company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
  - a. The date(s) the spill(s)/release(s) occurred;
  - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
  - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
  - d. The packaging, transportation, and final disposition of the materials which were spilled/released.
8. Please identify individuals employed by you who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions in the City between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 2, so indicate.
9. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.
10. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

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Postage \$

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Return to  
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Street, Apt.

City, State, ZIP+

(To be completed by mailer)

Municipality of Upper Darby Township  
Upper Darby Township Municipal Bldg.  
100 Garrett Road  
Upper Darby, PA 19082-3135  
Attn: John E. Clark, Pres.-Municipal Cou

PS Form 3800, February 2000

See Reverse for Instructions